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Atari Online News, Etc.
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~ Getting Oddball Gifts! ~ Selling the Queen's Pud ~ PSP Japan Debut!
~ Video Game Ban Attempt ~ Maryland Spam Law Out! ~ Google Beats GEICO!

-* Copyrighting Software Suit! *-
-* Oracle Finally Inks PeopleSoft Deal *-
-* Congress Fails To Act On Copyright Bills! *-

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->From the Editor's Keyboard

"Saying it like it is!"

Well, winter is a matter of days away, and it has felt like it lately. No snow on the ground; I won't complain, but I think Christmas traditionalists might not like it. After thinking about my plans the past few weeks to head down Atari memory lane, I'm reminded of a number of holiday seasons in which something Atari made it "under the tree". Some new software that I had talked about, a subscription to one of the various Atari magazines that were on the dealers' shelves, that second double-sided floppy disk drive, a new 2400 baud modem....I remember those days with fondness.

I haven't had much opportunity yet to rummage through our archives to bring back some of the stories from yesteryear. But I have been thinking about some of the good memories from the gold old Atari days. I still remember driving eight hours from Boston to Reston, Virginia for the WAACE shows. Driving all night to make it to the Fest when it began was an experience. Seeing all of the developers that we heard about and talked with online, and finally getting that new version of a terrific program, or finding that new piece of software that we read or heard about. Some of the dealers that we knew about, but due to distance, never able to enjoy. The user groups, the various people that we knew online, but finally managed to meet in person. And some of the people from Atari itself! Those weekend shows never seemed to go by slowly! Driving home afterward, I was looking forward to the next year's show!

Probably after the first of the year, I'll pull together some of the reports that were published about WAACE, or Boston, or the Connecticut shows. I still remember the unveiling of the Falcon at the Boston Computer Society meeting, over 10 years ago already. Wow, it's been that long already!

Until next time...

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PEOPLE ARE TALKING
compiled by Joe Mirando
joe@atarinews.org

Hidi ho friends and neighbors. I gotta tell ya, I'm one hurtin' pup at the moment. You may (or you may not) remember my mentioning that I've got a herniated disc, arthritis and bone spurs in my neck. Well, the little cold snap that Mother Nature has thrown at us here in the northeast is causing me some discomfort.

There was a study done last year that said there was no evidence that people with joint disorders could forecast weather changes... or something to that effect. I'm hear to tell ya that that's crap! If the weather here makes a drastic change, I'll know about it... usually with only a 15 or 20 minute warning window, but definitely BEFORE the actual change. And right now, there's a change on the way!

Well, given the average age of Atari community members, there's an even-money chance that you're in the same boat that I am. So I'm not going to press the point... you probably know what I'm talking about.

The holidays are rushing toward us, and this might well be the last issue you have a chance to read before Christmas. So I'd like to take this opportunity to wish you a happy, holy and safe holiday. And please be careful out on the road too. I'm fond of saying that there are enough morons out there on the road without adding yourself to the mix. Don't drink and drive.... the life you save may be MINE! <grin>

Okay, let's get to the news, hints, tips and info from the UseNet.

From the comp.sys.atari.st NewsGroup

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While answering a question about Linux on Atari computers, Edward Baiz posts:

"I have Mint on my Hades and had Linux on it also. Actually, Linux was easier to install, but I think EASYmint has been upgraded to a point which may make it easier. Yes there are a lot of packages for Mint, but I am staying away from it until there is a way to back up the Mint partitions to a CD. I hear the Extendos people are working on this. I have backed up my Mint partitions to a CD, but I had to use GZIP to do it.

Running Linux on an Atari is possible. I had it running just great on my Hades060 until I decided to upgrade my motherboard. After that I could not get it work at all. Too bad I really liked it. I am thinking about give it another try and seeing if maybe the installation files have been upgraded. It should most definitely run on a TT. It takes awhile to install, but after it is all loaded you will see that it was worth the wait."

No, there's no real dialogue.... it's a monologue. But I like Linux a lot and MiNT is of the same general flavor as Linux... I'm talking 'broad strokes' here, not carbon copy or functional equivalent. But anytime I hear someone speaking well of Linux, I just have to point it out to everyone who'll listen.

Next up, 'Chris' asks about an odd hard drive problem:

"I've just swapped my 540MB drive for a 1.5GB one, formatted fine,

partitioned fine, but when I go to install HDdriver to the C: drive , nothing comes up in the list ? Normally I get a list of partitions I can install to but on this drive nothing comes up at all ?? I my 540MB drive works fine, and even SCSI drives are fine, just have problems with this 1 drive, I can't imagine why it would partition and format and not come up in the drives list! I can't do a thing from the desktop either, will have another go tomorrow but tried a few times now, also when I click on "auto configure" it can't find HDDRIVER.SYS I think it was, will have another go but its looking very odd to me since my other drives work fine."

Dr. Uwe Seimet, author of HD Driver, tells Chris:

"Check your cables and termination. This sound exactly like a problem caused by wrong termination."

Chris tells Uwe:

"It's an IDE drive."

Uwe replies:

"Did you ensure that the partition size is less than 1 GByte? Plain TOS does not support partitions > 1 GByte."

Chris tells Uwe:

"Yeah, its split into a few drives of about 200MB each."

Uwe tells Chris:

"This is strange. If I understood you correctly you could partition the drive even though the ID test does not find it (anymore)? Is this an old IDE drive? Note that some old drive must not be formatted."

Chris tells Uwe:

"I just tried it again..."

when booting HD8 reports partitions C D E F G H, I can get the drive letters up on the desktop with "install devices" but when I click on them, nothing happens..

I've just gone back into HD8, can format, partition, but when I go to install HD8 onto a partition, same problem, no partitions listed."

Uwe tells Chris:

"Are you sure that you created TOS compatible partitions, and not Windows compatible ones? Please remember also to check with the current demo version."

Chris explains:

"I have tried all combinations, each has same problem, There's not much I can alter in the demo version but that also has the same problem.

The drive works fine on my PC, its been on my desk for a great deal of time since the last time I tried I couldn't get the drive to work either then. I thought it would be a good time to try again with update versions, and since my falcon is in bits due to fitting CT60 I thought id try to fit the drive again."

Sam F. tells Chris:

"Try ahdi v6....I had to go with that first, then hddriver was a happy camper. Don't know why, but it worked and I'm happy."

Henrik Gild^¥ posts this about EtherNat cards:

"Just wanted to say that we placed the order for manufacturing of the EtherNat prototypes last week. The prototype boards should arrive on Friday this week. It'll be a weekend full of soldering..."

February (or early March) sounds reasonable for the prototypes to be finished and tested so that you can place your orders. So keep your cash ready."

Well folks, that's it for this week. I know it's short, but we've got this weather front moving in and... well, you know what I'm talking about.

Tune in again next week, same time, same station, and be ready to listen to what they are saying when...

PEOPLE ARE TALKING

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->In This Week's Gaming Section - PSP Debuts In Japan!

Atari Classics for DS!
Another Game Ban Try!
And more!

=~=-~=-

->A-ONE's Game Console Industry News - The Latest Gaming News!

Sony PSP Draws Crowds and Lines on First Day

Game fans stood in lines through a chilly Tokyo night to be among the first in the world to get their hands on Sony Corp.'s PlayStation Portable, the consumer electronics firm's first handheld game machine.

About 200,000 of the sleek black devices, able to play movies, music and games, went on sale early Sunday morning as part of a drive by Sony to loosen rival Nintendo Co. Ltd.'s iron grip on the market for handheld game machines.

The PlayStation Portable (PSP), at a discounted launch price of 19,800 yen (\$189), went on sale 10 days after the successful launch of Nintendo DS, a game machine the size of a paperback book with a wireless connection and two screens, one of which is touch-sensitive and works with a pen-like device.

Analysts say both will sell well this holiday season, bringing the biggest buzz to the sector since Sony launched its PlayStation 2 (PS2) game console in 2000, although Nintendo's much greater production capacity will give it an initial edge in sales.

Excitement over PlayStation Portable, with high-quality graphics normally only seen on a full game console, has been building for months with the Japanese press eagerly comparing it with the rival Nintendo DS, made by the company that brought the world games featuring characters Pokemon, Mario and Donkey Kong.

"With the DS you can only play games, but with the PSP you can also play music and movies. There's added value there," said Asuka Senaga, a 24-year old in the line outside an electronics retailer at 11 p.m. (9 a.m. EST) on Saturday.

Equipped with a wireless LAN feature, the Sony machine allows users to play games with each other over the Internet.

Ahead of Sunday's launch, fans bought 500 PSPs for about 30 million yen (\$286,000) in an online auction on Nov. 25 for victims of an earthquake in northern Japan in October - paying a premium of up to 13 times the proposed retail price to get ahead of the pack.

Nintendo's defense of its strangle-hold on portable game machines has included an advertising blitz featuring pop singer Hikaru Utada. It set up sidewalk booths to capture the attention of passers-by as it also pushes to attract customers beyond its base of young game fans for the new machines, which cost 15,000 yen (\$143).

Retailers face likely shortages of both machines but Nintendo is likely to win the bulk of initial sales as it is able to ship more than five times as many units as Sony.

Nintendo launched DS in the United States on Nov. 21 and in Japan on Dec. 2, in time for the holiday spending rush, and has raised its forecast of shipments this year by 40 percent to 2.8 million units.

Sony has said it will ship just 500,000 units in Japan by the end of the year and it will miss the holiday season in the United States and Europe, where a launch is expected early next year.

Some American gamers are not willing to wait. Last week a Play Station Portable with one game was bid at \$560 on eBay's auction Web site - the price rising even though it was a Japanese-language version and the seller did not yet have it in hand.

Analysts have said the DS and PSP will capture different markets, with Nintendo keeping its grip on game fans and Sony reaching out to new consumers.

"The PSP is trying to create a completely new market beyond traditional games. I'm rooting for them, but it will be difficult," said Hirokazu Hamamura, president of game magazine publisher Enterbrain.

Nintendo would hang on to its 58.1 million users of its existing Game Boy Advance machines, who can play their old games on the new Nintendo machine, he said.

Sony has said it plans to ship 3 million PSP units worldwide by March 31 while Nintendo expects to ship 5 million units.

Industry watchers generally expect the two companies to hit those targets, but say the availability of attractive software will play a key role in determining who wins the sales war.

Atari Announces Retro Atari Classics for Nintendo DS

Atari will revisit the roots of modern video games with a contemporary spin with its upcoming Retro Atari Classics for the Nintendo DS. The game, expected to be available in March 2005, will reinvent 10 classic Atari titles with fresh graphics provided by world renowned graffiti artists. The game will also take advantage of all Nintendo DS innovations, including dual screen gameplay, touch screen controls and wireless play.

"Some of gamers' favorite classics are getting tagged for the 21st century by some of the most talented graffiti artists in the world," said Wim Stocks, Executive Vice President, Sales and Marketing, Atari. "With its blend of old school addictive gameplay and new school artistry and technology, Retro Atari Classics is the must have game for all Nintendo DS gamers, young and old."

Retro Atari Classics will feature 10 original Atari games, including Pong, Missile Command, Asteroids, Breakout, Centipede, Tempest, Warlords, Gravitar, Lunar Lander and Sprint. Each title will be playable in its original form as well as in the all new "Tagged" mode, featuring brand new looks from some of today's most popular graffiti artists, including REAS, Delta and Obey Giant.

The game will take advantage of all the technical innovations the Nintendo DS brings to gaming including touch screen functionality for tighter game controls, up-to-four player wireless multiplayer, dual screen gameplay for larger game environments and the ability to play head-to-head against another player on the same Nintendo DS in classic arcade fashion.

Developed by Los Angeles-based Taniko, Retro Atari Classics is expected to be available in March 2005 for the Nintendo DS.

New Grand Theft Auto Video Game Heads to Xbox

Video game hit "Grand Theft Auto: San Andreas" is coming to the Xbox and personal computer platforms next June, publisher Take-Two Interactive Software Inc. said on Thursday.

San Andreas, initially released for Sony Corp's PlayStation 2 console in October, is estimated to have sold more than 5 million units.

It will be released for Microsoft Corp's Xbox platform and PCs on June 7, 2005, in North America and June 10 in Europe.

Governor Seeks Ban on Violent Video Games

Gov. Rod Blagojevich is proposing to make it a misdemeanor for businesses to sell violent and sexually explicit video games to minors, a step that other states have tried with little success.

Blagojevich's proposed legislation would prohibit the distribution, sale, rental and availability of mature video games to children younger than 18.

"We're talking about violent games that use realistic depiction of human-on-human violence, video games that include dismemberment and disfigurement, video games where the kids control the process," Blagojevich said Thursday.

Current Illinois law does not prohibit selling or renting video games to children, regardless of how violent or sexually explicit the games may be. Retailers are not supposed to sell them to people under 17 but have been blamed for lax enforcement.

"If you're 18 or older and you're a grown-up and an adult, that's your business," the governor said. "But I don't believe that my 8-year-old daughter has a constitutional right to cut somebody's head off in a game that she plays."

Under the governor's plan, the proposed fine for violating the bans would be a Class A misdemeanor, punishable by up to one year in prison or a \$5,000 fine.

The proposed legislation also would require retailers to label violent or sexually explicit video games. Video games now are rated with general labels such as "M" for "mature."

The Illinois Retail Merchants Association blasted the governor's proposal as a way for retailers to become "the violence and sensitivity police for the state of Illinois."

"This is not just about video games. This is about the government asking their taxpaying, tax-generating and employing companies to do what parents should be doing. It's wrong," said David Vite, president and chief executive officer of the association, which represents about 23,000 stores statewide.

Other states have tried similar bans with little success.

A federal judge in July struck down Washington state's ban on selling some violent video games to minors, calling it a violation of free speech because it banned violence against police officers but not other depictions of violence, and too broad because it was unclear what games would fall under the ban.

Last year, a federal appeals court struck down a St. Louis County, Mo., ordinance that required children under 17 to have parental consent before they could buy violent or sexually explicit video games or play similar arcade games. A similar ordinance in Indianapolis was struck down by a federal appeals court in Chicago.

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Oracle Inks \$10 Billion Deal for PeopleSoft

The deal is done, finally, with Oracle Monday signing a definitive merger agreement to acquire PeopleSoft for US\$26.50 per share, or some \$10.3 billion. The transaction has been approved by the boards of directors of both companies and should close by early January.

Oracle is amending its current tender offer for all outstanding shares of PeopleSoft, set to expire on December 28th. As of the close of business on Friday, about 120,600,093 shares had been tendered in and not withdrawn from the offer, the company said.

The agreement ends a protracted, 18-month hostile takeover attempt by Oracle and represents a concession by the company that last month made its "best and final" offer of \$24 per share (\$9.2 billion). Following that offer an estimated 60 percent of PeopleSoft's outstanding shares were tendered by stockholders.

"This merger works because we will have more customers, which increases our ability to invest more in applications development and support," says CEO Larry Ellison in a statement. The company will focus on developing upgrades of PeopleSoft's flagship software as well as its JD Edwards product, he adds.

George "Skip" Battle, chair of PeopleSoft's transaction committee, says in a statement: "After careful consideration, we believe this revised offer provides good value for PeopleSoft stockholders and represents a substantial increase in value from October. This has been a long, emotional struggle, and our employees have consistently performed well under the most challenging of circumstances."

This outcome was expected, say analysts, and Oracle now faces the challenge of recouping its huge investment. "They have to articulate their roadmap,

moving the PeopleSoft products forward to retain that customer base," Yankee Group program manager Sheryl Kingstone told NewsFactor.

From a business perspective, Oracle eliminates a serious rival and gains the application development of PeopleSoft through this merger, she said. "For Oracle, the customer-interaction technology from PeopleSoft is a big benefit."

Yankee Group had projected that an agreement would be reached in the \$19 to \$29 per share range, Kingstone said. "The latest offer was not too much different, but Oracle already had support from a majority of PeopleSoft stockholders," she said. "This was inevitable after the government got out of the way."

Forrester Research analyst Paul Hamerman suggested that the turning point came just as testimony was to begin, today, in a Delaware court hearing a dispute between the two companies. "PeopleSoft apparently got an indication from the court that it was in their best interest to accept a deal from Oracle," he told NewsFactor.

Oracle had asked the court to strike down a PeopleSoft "poison pill" that Oracle says would make its purchase prohibitively expensive.

With shareholders applying pressure as well, Hamerman said, "There was no way out for PeopleSoft." The analyst also indicated that Oracle got a better look at PeopleSoft's books and apparently saw more value than expected.

He noted that with the purchase Oracle gains license fee revenues from PeopleSoft along with its maintenance business. "Most customers won't switch to Oracle, but at the same time Oracle recently launched a stronger enterprise product," he said.

Kingstone said the deal was more about adding to the Oracle customer base than technology, though, since the two firms had overlap in both software and services.

Oracle and PeopleSoft also agreed to dismiss all pending litigation following the closing.

Congress Fails to Act on Copyright Bills

The U.S. Congress passed a telecommunications bill in the final hours of the 2004 session, but some groups praised lawmakers for failing to act on legislation that would create new penalties for copyright violations.

The Senate approved legislation that allows funding to continue for the E-Rate program, intended to provide money for schools and libraries to hook up to the Internet. Last week, the Senate approved a telecommunications bill that included authorization for the E-Rate program to continue funding projects, even though E-Rate has been under fire in Congress this year for fraud and abuse within the program.

Among the bills that didn't pass this year is one that would have allowed entertainment companies and artists to sue others that "induce" copyright violations. Another bill that failed to pass would have established prison sentences for some electronic distribution of copyrighted works.

The Senate failed to act on the Cooperative Research and Technology Enhancement (CREATE) Act, a bill passed by the House of Representatives in March. The bill, a combination of other copyright legislation introduced in the House, included prison sentences of three to 10 years for the electronic distribution of copyrighted works worth more than \$1000. The prison sentences could be imposed for willful violations or, in some cases, the distribution of more than 1000 copies of a copyrighted work.

A spokesman for Representative Lamar Smith (R-Texas), author of the CREATE Act, did not immediately return a phone call seeking comment on Smith's plans for copyright legislation in 2005.

Another copyright bill, the Inducing Infringements of Copyright Act, failed to move out of the Senate Judiciary Committee after Chairman Orrin Hatch (R-Utah) couldn't reach a compromise with technology and civil liberties groups that opposed the bill. Critics said the bill, intended to target peer-to-peer (P-to-P) software vendors, was worded so broadly that it would allow the music and movie industries to sue many groups, including venture capitalists who invest in new technologies and journalists who review digital recording products.

In August, a group of companies and organizations, including MCI, SBC Communications, and Verizon Communications, offered Hatch a proposal that would have softened the bill. That proposal, advanced by the Home Recording Rights Coalition, would have penalized only those companies that actively distribute computer tools "specifically designed to cause or enable infringement."

But Hatch and critics of the bill weren't able to hammer out an agreement. A spokesperson for Hatch didn't immediately respond to a request for a comment on the status of similar legislation for 2005.

Public Knowledge, an intellectual property advocacy group, applauded Congress for not acting on the two copyright bills. Congress acted in consumers' interest when it decided not to strengthen copyright penalties, says Gigi Sohn, president of Public Knowledge.

Two sessions of Congress have passed without passage of major copyright legislation, Sohn notes. "It's time for the content industry to move on to a new strategy - that is, take the technology, build business models, and make a lot of money," she says.

The Recording Industry Association of America (RIAA) says the copyright legislation had "strong bipartisan support."

"At the end of the session, the intellectual property package was caught up in a crossfire about completely unrelated issues," RIAA spokesperson Jonathan Lamy says in an e-mail. "The substance of it was not the issue."

A change in Federal Communications Commission accounting rules had forced the E-Rate program to stop sending out payments to schools and libraries that had been promised money, according to a spokesperson for Senator Conrad Burns (R-Montana), who pushed the Senate to approve the telecommunications bill that passed last week. The bill, if signed by President George Bush, will restore that funding, says Burns spokesperson Grant Toomey.

Burns argued the E-Rate program is important to schools and libraries in

rural areas. "There are many areas across the country that are deficient in the available technology," Toomey says. "The nice thing about technology is you can bring those folks up to par. They can have access to the same information as a kid in New York City."

Other groups praised the Senate for passing the telecommunications bill, called the National Telecommunications and Information Administration Organization Act. The bill provides incentives to advance E-911 deployment, and it attempts to improve radio spectrum management as well as to maintain the Universal Service Fund, a pot of money from taxes on carriers that funds E-Rate and other telecommunications services to rural and poor areas.

Lawsuit Claims Software Should Not Be Copyrighted

Computer software should not be protected by copyright laws designed for music, literature and other creative works, according to a lawsuit filed in a U.S. court in San Francisco.

Intellectual-property consultant Greg Aharonian hopes to convince the court that software makers can protect their products adequately through patents, which provide more comprehensive protection, but are difficult to obtain and expire in a shorter period of time.

The case seeks to clarify which laws the \$100 billion U.S. software industry uses to protect its products. Currently, software makers like Microsoft Corp. use both copyright and patent laws to protect their creations, as well as "clickwrap" agreements that stipulate terms of use.

An official with a software-industry trade group said not every software product is protected by patents.

"If you eliminated the ability to sue somebody for copyright infringement, you would eviscerate our ability to go against pirates," said Emory Simon, counselor for the Business Software Alliance, which estimates that U.S. businesses lost \$6.5 billion last year to piracy.

Aharonian argues in his complaint that software copyright laws violate the right to due process enshrined in the U.S. Constitution because they do not provide clear boundaries for appropriate use. That means industry players and courts do not have a clear idea of the rules.

"Until you're sued and a judge makes up his mind about what is the idea and expression (at stake), no one knows," Aharonian said in an interview.

In one well-known case, Lexmark International Inc. invoked copyright laws to prevent a competitor from making computer circuits that allow cheaper inkjet cartridges to work on its printers.

One court ruled in Lexmark's favor in 2002, but an appeals court in October overturned that decision and allowed rival Static Control Components to sell its inkjet cartridge parts.

Aharonian said in his complaint he does not know if he personally has run afoul of copyright laws because he has set up a database of thousands of computer programs to help software companies figure out if their products infringe on existing material.

If the owner of any of those programs decides to sue, he could face hundreds of thousands of dollars in penalties and possible jail time.

While patents protect an idea - say, a way to direct traffic on the Internet - copyrights only protect the expression of that idea, usually the written code that tells the computer what to do.

Inventors applying for a patent have to prove their idea is new and original, a process that typically takes years and costs thousands of dollars. Patents expire after 20 years.

Anybody who scribbles a poem on the back of a cocktail napkin, by contrast, is protected by copyright laws for 70 years after their death, or 95 years if the work is owned by a corporation.

Both the U.S. Patent and Trademark Office and the Copyright Office began accepting applications for computer programs in the 1960s. Congress included software in copyright law in 1976.

An official with the U.S. Copyright Office declined to comment on the case, but said copyright protection was vital for U.S. software makers.

"I think it is fair to say it is the primary means of protecting U.S.-based software," said Kent Dunlap, principal legal advisor to the Copyright Office's general counsel.

Apple Sues Over Web Leak of Advance Products

Apple Computer Inc. is suing anonymous people who leaked details about new products by posting information on the Internet, court documents showed on Friday.

Apple's complaint, filed with the Santa Clara County California Superior Court, comes only weeks ahead of the Macworld conference in San Francisco, the annual show where CEO Steve Jobs unveils the latest Apple products.

Apple is notoriously secretive about its product plans, while many fan sites routinely discuss what may be in store, including posting pictures of real products and hoaxes.

The complaint alleges that "an unidentified individual, acting alone or in concert with others, has recently misappropriated and disseminated through Web sites confidential information about an unreleased Apple product."

Apple said in the seven-page civil complaint, filed on Dec. 13, that it did not know the "true names or capacities, whether individual, associate, corporate or otherwise," of the defendants. Once they have been discovered, the Cupertino, California-based company said it would amend the complaint.

It was not the first time Apple has gone after fanatics who have posted information about upcoming products on the Internet.

In December 2002, Apple sued a former contractor who allegedly posted drawings, images and engineering details of the company's PowerMac G4 computer in July of that year, several weeks before the product was officially unveiled.

"Apple has filed a civil complaint against unnamed individuals who we believe stole our trade secrets and posted detailed information about an unannounced Apple product on the Internet," the company said in a statement provided to Reuters. "Apple's DNA is innovation and the protection of our trade secrets is crucial to our success."

Mac rumor Web sites are at their busiest ahead of the annual Macworld conventions, which are highly anticipated by the Mac faithful for product introductions and Jobs' keynote.

In recent weeks, the Web sites have been buzzing with speculation that Apple will introduce a smaller, cheaper version of its market-leading iPod digital music player that uses flash memory, rather than the hard disk drives of the standard iPods.

Flash memory chips retain data stored on them even when electrical current is shut off.

Financial analysts Andy Neff of Bear Stearns and Charlie Wolf of Needham & Co. have also published notes in recent weeks mentioning flash iPods.

"To succeed, Apple must develop innovative products and bring those products to market in advance of its competitors," the company said in its complaint. "If Apple competitors were aware of Apple's future production information, those competitors could benefit economically from that knowledge by directing their product development or marketing to frustrate Apple's plans."

Users Still Snookered By Spam

Computer users just keep click, click, clicking away - falling repeatedly for spam scams that promise software at fire sale prices.

In fact, one in five consumers surveyed bought software from unwanted spam, said a study released by the Business Software Alliance, a software industry anti-piracy lobby.

"More than 40 percent of Americans are expected to shop online this holiday season, and many will be tempted by unsolicited email touting unbelievable savings on well-known brands of commercial software," Bob Kruger, BSA vice president, said in a statement Thursday. "That software may be a pirated version rather than a genuine product."

The BSA and the Council of Better Business Bureaus (CBBB) released the results of a study conducted by a unit of Forrester Research, which polled 6,000 Internet users in six countries. It said 21 percent of those polled clicked through on spam to purchase software.

Maryland's Spam Law Suffers a Setback

A ruling by a state judge that Maryland's anti-spam law is unconstitutional because it seeks to regulate commerce outside the state should not affect future cases, the state's attorney general said Tuesday.

The ruling last week threw out a lawsuit against a New York e-mail marketer by a George Washington University law student who had set up a Maryland corporation to fight unsolicited e-mail advertisements, known as spam.

Attorney General J. Joseph Curran said in the case in question the sender was in New York, the receiver was in Washington and the Internet service provider was in Virginia.

Whether the Maryland law applies in that case "is a real question," Curran said.

"The facts in this case may well be beyond the scope of our law, but that doesn't mean our law is unconstitutional," Curran said.

The Maryland law applies to e-mail sent to or from Maryland residents, but it leaves vague the actual location of the resident - potentially affecting companies who send e-mail to people who live in Maryland, but might receive it elsewhere.

Eric Menhart, the George Washington University law student who brought the case in Maryland against Joseph Frevola, promised to appeal. Andrew Dansicker, the lawyer representing Frevola, the New York e-mail marketer, said all of Menhart's cases are based on the Maryland statute and will be dismissed.

Menhart set up the corporation in Maryland but lives in Washington. The judge concluded that the law unconstitutionally attempts to regulate commerce that may never enter Maryland.

Congress and more than three dozen state legislatures have passed laws to corral spam, the popular term for junk e-mail advertising. An appeals court in California and the Washington state Supreme Court have upheld state laws that had been declared unconstitutional by lower courts on grounds similar to the Dec. 9 ruling in Maryland.

Curran said Maryland's law is modeled after the Washington state law and he expects it will be upheld if challenged.

Maryland's law allows residents who receive e-mail with certain false information to sue for damages. A separate criminal statute enacted in October adds criminal penalties of up to \$25,000 and 10 years in prison.

The federal anti-spam law that took effect this year does not allow individuals to sue spammers. That law superseded most state laws unless - like Maryland - they specifically addressed deceptive or fraudulent e-mail.

Microsoft Software to Remove Spyware

Microsoft Corp. disclosed plans Thursday to offer frustrated users of its Windows software new tools within 30 days to remove spyware programs secretly running on computers. But it might cost extra in coming months.

In a shift from past practice, the world's largest software manufacturer said it may charge consumers for future versions of the new protective technology, which Microsoft acquired by buying a small New York software firm. Terms of the sale of Giant Company Software Inc. weren't disclosed.

Spyware is a category of irritating programs that secretly monitor the online activities of Internet users and can cause sluggish computer performance or popup ads.

Microsoft, whose Windows operating systems have often been criticized for lax security, traditionally has given consumers - at no charge - separate programs to improve security. It also has increasingly built other protective tools, such as firewall software, into Windows to repel hackers.

The company's upcoming tool, available for its Windows XP and Windows 2000 software, will sweep for spyware and offer to remove suspicious programs. It also will continuously protect a computer against new spyware threats, said Mike Nash, vice president of Microsoft's security business unit. Rival anti-spyware tools, such as Lavasoft Inc.'s popular "Ad-Aware" product, offer similar functions and many are free.

Microsoft's tool, expected to be available within 30 days, initially will be free but the company isn't ruling out charging for future versions. "We're going to be working through the issue of pricing and licensing," Nash said. "We'll come up with a plan and roll that out."

The security efforts, which cost hundreds of millions of dollars, are aimed at promoting consumer confidence in its flagship Windows products - which generated nearly \$3 billion in revenues this year. They also help attract new customers worried about growing threats from viruses, hacker attacks, spam e-mails and spyware.

"Because Microsoft has a near monopoly, they don't have anybody to compete against. Giving away free stuff is a side effect of being a monopoly, whether they like it or not," said Daniel E. Geer, a prominent security expert and one of the company's most vocal critics.

Microsoft's disclosure that it may eventually charge extra for Windows protection reflects a recognition inside the company that it could collect significant profits by helping to protect its customers.

Some experts blame Microsoft for Windows vulnerabilities that help spread spyware. Microsoft and some others, meanwhile, said blame should be directed instead at spyware manufacturers.

"Spyware usually gets on your computer through human error," said Marc Maiffret of eEye Digital Security Inc., which regularly discovers serious Windows flaws.

Alan Paller, research director for the SANS Institute in Bethesda, Md., a computer-security organization, compared Microsoft's new anti-spyware tool to sophisticated products sold to help manage computer networks. "It's not just a clean-up-our-mess tool," said Paller.

Zafi Worm Hides Behind Christmas Cheer

A new version of the Zafi e-mail worm is spreading Christmas wishes along with its malicious code, according to antivirus software companies.

Zafi.D is a mass-mailing worm that arrives in a.zip file attached to e-mail messages with the subject "Merry Christmas." Instead of a gift, however, the e-mail package delivers worm code that infects Microsoft Windows

systems on which it is opened. Leading antivirus companies, including McAfee, Sophos, and Computer Associates issued warnings about the new worm and updated antivirus signatures to stop the new threat.

In addition to the Christmas well wishes in the subject line, Zafi-generated e-mails contain the message "Happy Hollydays" and are signed "Jaime."

CA researchers collected almost 100 samples of Zafi.D since spotting the new worm variant early Tuesday, says Stefana Ribaudo, manager of the company's eTrust Security Management division. At McAfee, around 50 samples of the worm were collected, mostly from Europe, says Vincent Gullotto, vice president of McAfee's Anti-Virus Emergency Response Team.

Both companies rated Zafi.D a "medium" threat, indicating that a number of samples have been spotted, and that the worm has a destructive payload.

Like most other mass-mailing e-mail worms, Zafi.D modifies the configuration of Windows machines, shutting down other security software and harvesting e-mail addresses from files on the infected computer. After it harvests e-mail addresses, Zafi uses a built-in SMTP (Simple Mail Transfer Protocol) to send e-mail to those addresses with copies of the worm code, antivirus companies say.

The worm has had more luck spreading than earlier Zafi variants, possibly because of its well-timed and appealing subject line and message, which are good examples of what antivirus researchers call "social engineering" - subtle tricks used to gain victims' confidence, Ribaudo says.

However, the increase in reports could be due to an initial spam distribution of the worm. The similarity of Zafi.D to its predecessors - and to other mass mailing worms - means that it's likely that few examples of the new worm are actually getting through to e-mail inboxes, Gullotto says.

Antivirus experts advise e-mail users to update their antivirus software to obtain the latest virus definitions for Zafi.D and to use extreme caution when handling unexpected e-mail attachments.

Apple Releases Mac OS X v10.3.7

Apple Computer Inc. on Wednesday released an update to Mac OS X Panther, bringing the current version of the operating system to 10.3.7. The update includes "enhanced functionality and improved reliability" and is recommended for all users.

According to Apple Mac OS X 10.3.7 offers improved AFP support for saving documents with long file names; improved OpenGL technology and updated ATI and NVIDIA graphics drivers; improved FireWire device compatibility; updated Preview application; improved compatibility for third party applications; and previous standalone security updates.

Improvements to existing applications were a focus of the current update, where Apple made several changes.

An issue was resolved with Apple's text editing application,TextEdit, allowing it to open certain RTF documents that previously wouldn't open,

resulting in an error message. The update also improves compatibility with Pacific Tech's Graphing Calculator 3.5, fixing an issue where some 3D surfaces might not render in Mac OS X 10.3.6.

Improvements to networking in Mac OS X 10.3.7 will solve an issue that many users have experienced since installing Security Update 2004-09-30 with Mac OS X 10.3.5 or later. Safari, Mail and other networking applications that use DNS lookups will no longer have intermittent connectivity issues, according to Apple.

Mac OS X users that play Blizzard's World of Warcraft will be especially happy with this update - Mac OS X 10.3.7 addresses three separate issues with the popular game.

First, the update addresses an issue with World of Warcraft in which the game's frame rate could drop considerably when in "Ghost mode," if the computer uses an Nvidia graphics card. Another issue with Nvidia graphics cards was also fixed where enabling Vertex Shaders in World of Warcraft could lead to unexpected graphics issues.

Owners of ATI's Radeon 9600 also received a fix in this update, addressing an issue with World of Warcraft in which incorrect colors or unexpectedly flashing objects could appear, making gameplay difficult.

Apple also tackled several other issues in Mac OS X 10.3.7, fixing a number of PDF and video-based problems.

With the update installed users can now view E*TRADE PDF account statements in Preview. Shadowed text in a PDF file, which didn't always print as it appeared on the screen when printing to a raster printer, has also been fixed.

Users of certain PowerBooks had an issue when connecting an Apple Cinema 22-inch display where random "stuttering" or other graphics anomalies in the Finder and DVD Player occurred. This, as well as an issue with Mac OS X 10.3.6 in which DVD Player might not open on some Power Mac G4 computers that use an ATI Radeon 9800 AGP video card, have been fixed.

Mac OS X 10.3.7 is available for download from Apple's Web site or using the Software Update Control Panel.

Google Wins Court Victory Over GEICO

A federal judge on Wednesday handed online search engine Google Inc. a victory in a trademark infringement case on Wednesday, ruling that when users searched for insurer GEICO, Google could display rivals as well.

U.S. District Judge Leonie Brinkema of the Eastern District of Virginia said there was not enough evidence of trademark violation in the suit by Maryland-based GEICO, a subsidiary of billionaire investor Warren Buffett's holding company Berkshire Hathaway Inc..

Google said it was very pleased with the decision. "This is a clear signal to other litigants that our keyword policy is lawful," said Google General Counsel David Drummond.

Brinkema announced her decision in court after presiding over two days of

proceedings in which GEICO outlined its case.

The move came in response to a motion by Google's lawyers, who asked the judge to dismiss the entire case on legal grounds.

Brinkema agreed in part, but said she would allow the case to proceed on the narrower question of whether Google should be barred from displaying advertisements for other insurers that contain the word "GEICO."

An analyst said the court's ruling lifts what amounts to the biggest legal risk to Google's business of selling advertisements based on keyword searches by its users.

"It is a pretty firm and clear-cut decision that is good for Google," said Martin Pyykkonen, a financial analyst with Janco Partners who tracks Internet stocks.

Google derives most of its revenue from selling ads that are triggered when visitors to its site search for specific terms such as "Geico low-cost auto insurance." Google reported revenue of \$806 million during its most recent quarter.

GEICO, which sells low-cost insurance directly to the public, is one of several companies which have challenged how Google allows competitors to use their trademarked names to generate advertisements linked to the Web sites of rivals.

"If this case had proceeded as it was, hundreds of thousands of companies might take issue with keyword ads and comparison-shopping," Pyykkonen said.

A lawyer representing another company suing Google, privately held American Blind and Wallpaper, said Brinkema's decision would not affect other similar suits against the search engine.

"You can't look at this decision as a sweeping per se ruling that Google can profit by selling other companies' trademarks," said David Rammelt, who represents American Blind.

Other online companies who offer comparison-shopping features on their site could also have been hit - including Yahoo Inc., eBay Inc. and Amazon.com Inc., the analyst said.

Google says it already has a policy to exclude such ads. An attorney for Google told Brinkema the policy was "not perfect" but that was insufficient ground for finding against Google.

An attorney for GEICO told reporters afterward that Brinkema had given both sides part of what they wanted. He said GEICO would continue to seek an injunction banning Google from displaying ads containing the word "GEICO."

"GEICO will continue to aggressively enforce its trademark rights against purchasers of its trademark on search engines and against search engines that continue to sell its trademarks," GEICO General Counsel Charles Davies said in a statement later in the day.

Brinkema adjourned the case for several weeks while she writes an opinion and encouraged both sides to continue settlement talks.

Pyykkonen said the judge's move preserves a distinction in trademark law that allows for coincidental juxtaposition of one company's advertising

against rivals but draws a line when one company attacks another party in print via its own ads.

Keyword-searches can be understood as the online equivalent of consumers holding a company's in-store discount coupon electing to buy a rival's product, the analyst said. He contrasted that with traditional trademark violations in magazines, in which one advertiser uses an ad to bash the products of a rival.

Web Site Lists Oddball Gifts for Holidays

What to get for the psychiatrist who has everything? A pair of "Freudian slippers," perhaps, or a Mad Hatter pill box? Just a few of the ideas on a holiday gift Web site for the academic or oddball in your life.

The site is the creation of Fred Stoss, an associate librarian at the University at Buffalo and acknowledged shopper of its wares, and his colleague, David J. Bertuca.

It promises something for everyone, at least everyone with an above-average interest in math and science, literature or the environment.

"A lot of the people that are using it have a particular student or faculty member or relative that otherwise would be getting a box of chocolates or something like that," Stoss said of his site,
http://ublib.buffalo.edu/libraries/asl/guides/asl_gifts.html.

It links to other Web sites and their stores, such as Nasatech.com, which offers books, software and DVDs "geared towards the cutting-edge engineer." Among items for sale is the "Fuel Cell Technology Handbook" for \$99.95.

Stoss and Bertuca introduce the sites with their own commentary: "The paleontologists in your life might really dig" the Bone Clones site, the librarians write. Another site promises to "tickle the funny bone of the hazardous waste manager, environmental consultant, environmental engineer, HAZWOPER, remediation tech, or waste management expert."

"This started as a project to show that scientists can be funny, or at least have a sense of humor," said Stoss, who works in the university's Science and Engineering Library. He is partial to Susan Loy's "Literary Calligraphy" prints, which combine classic texts from Shakespeare or the Bible with illustrations. He has purchased prints with readings from his wedding more than 30 years ago as anniversary gifts for his wife.

Worker Sacked for Selling Queen's Xmas Pud on EBay

A worker at Britain's Buckingham Palace has been sacked for trying to sell a Christmas pudding gift from Queen Elizabeth on an Internet auction site.

Ben Church, 25, who worked as a property administrator at the palace, was dismissed after royal officials learned he had put the pudding from luxury food store Fortnum & Mason for sale on eBay, the Daily Mirror reported on Friday.

A palace spokeswoman confirmed that an employee had faced disciplinary action over a Christmas pudding.

"Someone was dismissed but we are not giving out further details," she said, adding it was a tradition of the queen to give every member of staff a pudding as a Christmas present.

The Mirror said the 6.25 pound (\$12.18) pudding, which went on sale for 20 pounds, was a spare as Church had not been given one himself as he had not worked at the palace long enough.

An unnamed source told the paper Church had been sacked for committing a "security breach."

"It's really mean and petty to sack him so close to Christmas, all for the sake of a pudding," the source said.

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